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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD VIETH AND NORMA JEAN
VIETH,

Plaintiffs,

3 : CV - 01 - 2439

v.

Civil Action No. _____

THE COMMONWEALTH OF
PENNSYLVANIA; MARK S.
SCHWEIKER, in his official capacity as
Governor of Pennsylvania; KIM
PIZZINGRILLI, in her official capacity as
Secretary of the Commonwealth of
Pennsylvania; RICHARD FILLING, in his
official capacity as Commissioner of the
Bureau of Commissions,
Elections, and Legislation of the
Pennsylvania Department of State;
ROBERT C. JUBELIRER, in his official
capacity as Lieutenant Governor of
Pennsylvania and President of the
Pennsylvania Senate; MATTHEW J.
RYAN, in his official capacity
as Speaker of the Pennsylvania House of
Representatives

Defendants.

FILED
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PER

DEPUTY CLERK

PLAINTIFFS' MOTION TO CONVENE A THREE-JUDGE COURT

Plaintiffs Richard Vieth and Norma Jean Vieth respectfully submit
this motion to convene a three-judge court pursuant to 28 U.S.C. § 2284(a).

According to that statute, "A district court of three judges shall be convened . . .

when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body.”

The present action challenges the Commonwealth of Pennsylvania’s congressional districts as violating the one-person, one-vote principle of the Equal Protection Clause of Section 1 of the Fourteenth Amendment. As such, it challenges the constitutionality of the apportionment of congressional districts, and a three-judge court is warranted. In support of this motion, Plaintiffs rely on their supporting memorandum of law which will be filed within ten (10) days pursuant to Rules 7.3 and 7.5 of the Local Rules of Court.

Respectfully submitted,



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Dated: December 21, 2001

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ORDER

AND NOW, this ____ day of _____, 200_, upon
consideration of Plaintiffs' Motion to Convene a Three-Judge Court, IT IS
HEREBY ORDERED THAT Plaintiffs' Motion is granted. Accordingly,

pursuant to 28 U.S.C. § 2284(b)(1), the Chief Judge of the United States Court of Appeals for the Third Circuit is hereby requested to designate two other judges, at least one of whom shall be a circuit judge, to serve as a three-judge court in this matter. The clerk of this court shall immediately transmit a copy of this Order to the Chief Judge of the United States Court of Appeals for the Third Circuit.

J.